

March 8, 1989

REPORT TO THE COMMITTEE ON TRANSPORTATION AND LAND USE
SINGLE FAMILY ZONING ENFORCEMENT

As a result of a letter from a constituent concerning the use of a single family dwelling by an excessive number of adults, Deputy Mayor McCarty asked this office to comment on the issues raised by the letter.

The basic problem stems from the decision of the California Supreme Court in the case of *City of Santa Barbara v. Adamson*, 27 Cal.3d 123, 164 Cal.Rptr 539 (1980). The court declared the definition of family found in the Municipal Code of Santa Barbara violated the California constitution to the extent that it defined a family as a specified number of unrelated persons in addition to the typical definition which defined a family as persons related by blood or marriage. Due to the procedural posture of the case, the City of Santa Barbara was unable to carry the case to the U.S. Supreme Court which had ruled that a "related by blood or marriage" definition of family was valid.

Since the Adamson decision, the Planning Department and this office have made several proposals in an effort to address the problem. The issue was addressed in part, by the adoption of the Single Family Rental Overlay Zone. The Planning Commission has conducted one public hearing and will be conducting another dealing with the Go Homes problem.

This office is presently drafting a proposal which would amend the parking provisions of the single family zones by requiring additional parking for single family dwellings used by unrelated people living together as a family. The amount of parking would depend on the number of unrelated people occupying the single-family dwelling. It is anticipated that this proposal will be considered at the next Planning Commission hearing on the subject of Go Homes.

The frustrations experienced by the public, the Council and staff since the Adamson decision are well known. Countless hours have been devoted to efforts to fashion a workable solution. At no time has this office or, to my knowledge, any City staff adopted the position that Adamson represents a prohibition against controls that are designed to combat the problems generated by Adamson.

Respectfully submitted,

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